

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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CRAIG WILSON, *et al.*,

Petitioners,

vs.

MARK WILLIAMS, *et al.*,

Respondents.

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CASE NO. 4:20-cv-00794

ORDER

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 13, 2020, Petitioners, inmates at Elkton Federal Correctional Institution, brought this emergency habeas action seeking release from Elkton due to the spread of COVID-19 within the prison.<sup>1</sup> On April 22, 2020, this Court granted a preliminary injunction in favor of Petitioners, ordering Respondents to identify members of the subclass; evaluate each subclass member's eligibility for transfer within two weeks (by May 6), prioritizing the most medically vulnerable inmates; and transfer inmates ineligible for other forms of release to another BOP facility.<sup>2</sup>

On April 27, Respondents filed an interlocutory appeal.<sup>3</sup> On April 28, Respondents moved in this Court for a stay pending appeal.<sup>4</sup> The Court has yet to rule on this motion.

On April 29, 2020, Respondents moved for the Sixth Circuit to stay this Court's Order. On April 30, 2020, the Sixth Circuit denied Respondents' request for an

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 22.

<sup>3</sup> Doc. 26.

<sup>4</sup> Doc. 29.

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administrative stay.<sup>5</sup> On May 4, 2020 the Sixth Circuit also denied Respondents' request for a stay pending appeal, noting that Respondents' time to comply with this Court's order was about to expire, "rendering any remaining harm slight."<sup>6</sup>

On May 4, 2020, Petitioners moved for expedited discovery and the entry of a protective order.<sup>7</sup> Petitioners request that the Court order Respondents to provide information about their efforts to identify and evaluate the subclass. They also seek information about each identified subclass member's evaluation results and transfer date.

In light of the pending motion to stay, the Sixth Circuit's most recent order denying a stay, and Petitioners' motion, the Court orders the following:

- By 10:00 a.m. on May 6, 2020, both parties are ordered to file memorandums with the Court discussing whether the May 4, 2020, Sixth Circuit stay denial is the law of the case regarding Respondent's district court request for a stay, whether the Sixth Circuit's decision is controlling, and whether any issue regarding Respondents' motion to stay remains after the Court of Appeals' May 4, 2020 Order.
- By 10:00 a.m. on May 6, 2020, Respondents are ordered to respond to Petitioners' Motion for Expedited Discovery and Protective Order.
- By 10:00 a.m. on May 6, 2020, Respondents are ordered to file a status report describing Respondents' compliance with this Court's April 22 Order and detailing where Respondents are in the process of evaluating and moving the subclass members.

IT IS SO ORDERED.

Dated: May 5, 2020

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> Doc. 36.

<sup>6</sup> *Wilson et al. v. Williams et al.*, No. 20-3447, slip op. at 5 (6th Cir. May 4, 2020).

<sup>7</sup> Doc. 44.